

Greg S. Hollrigel

From:

"Donovan_Stephen" < Donovan_Stephen@Allergan.com>

To:

"Frank Uxa" <fjuxa@patlawyers.com>; "Greg Hollrigel" <gsh@patlawyers.com>

Sent:

Friday, March 19, 2004 2:16 PM

Subject:

Re: Reissue of 6,369,116 (our docket 17652CON2)

I spoke to Vernon Wong today and he agreed to look at reissue documents. So if you can e mail them to me, I'll forward them to him for his review. Thank you.

----Original Message-----

From: Donovan_Stephen

Sent: Friday, March 19, 2004 1:12 PM

Subject: Aut

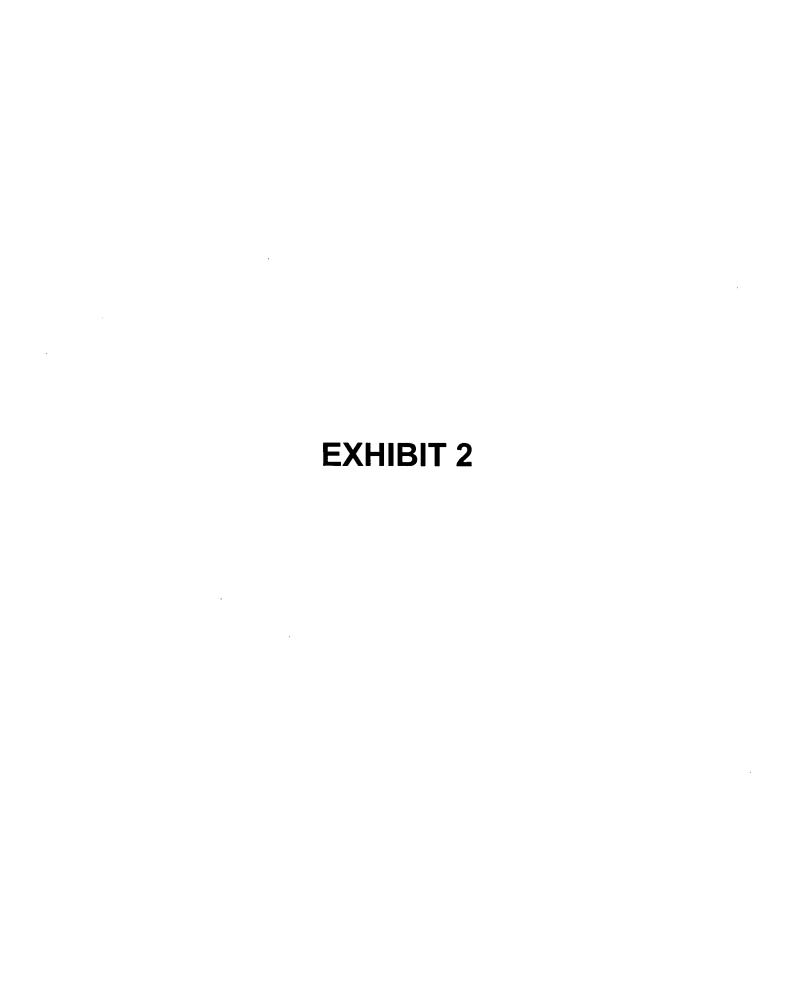
----Original Message----

From: 3cm/64446@

Sent: Monday, March 00,

To: Denovan_ Subject: Re. (1)

erry GIII



Greg S. Hollrigel

From: "Donovan_Stephen" < Donovan_Stephen@Allergan.com>

To: <vernon8888@aol.com>

Sent: Wednesday, March 24, 2004 12:12 PM

Attach: 040322 Prelim Amndmnt D3136CON1CIPRE.doc; Offer to Surrender D3136CON1CIPRE.doc;

Dec and Petition for Reissue D3136CON1CIPRE.doc; US6369116(B1).pdf

Subject: Re: patent reissue documents

Dear Dr. Wong: further to our telephone conversation last week, I am a patent attorney with Allergan, Irvine, California. Allergan bought Oculex Pharmaceuticals late last year. We would like to seek a reissue of your U.S. patent 6,369116 (copy attached) so as to broaden the claims in the patent. To do so we must file a reissue request with the U.S. patent office by no later than April 9, 2004.

We you be so kind as to assist us in this matter? Attached (besides the copy of your patent) are three documents: (1) a Declaration for Reissue; (2) an Offer to Surrender the patent; and (3) Preliminary Amendment.

The Declaration make a number of formal statements, as required by patent office rules when seeking a patent reissue.

Please sign and return to me by Federal Express at the address below the Declaration and the Offer to Surrender, and call me if you have any questions. Thank you.

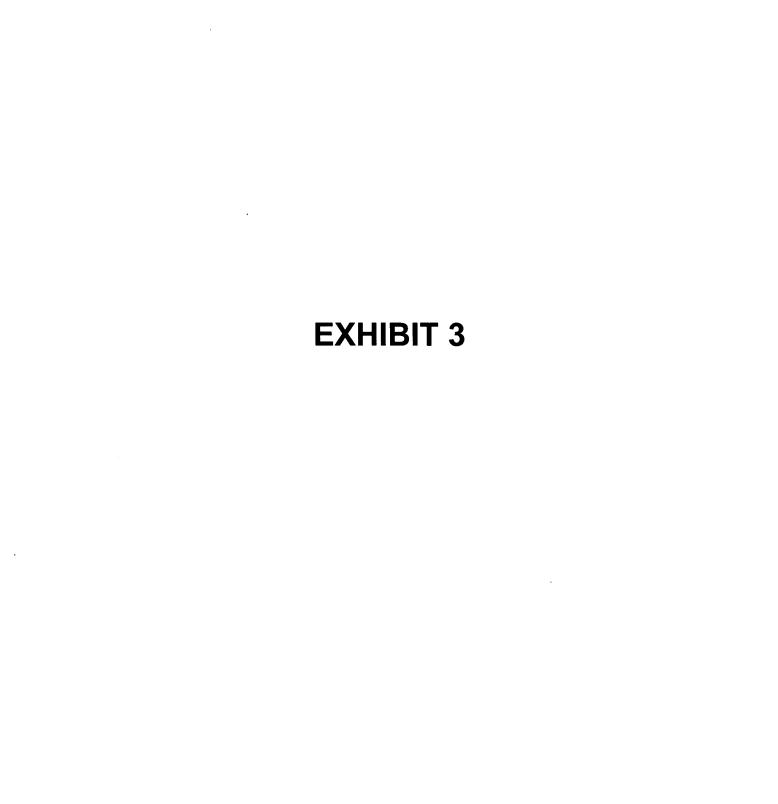
I will also e mail each of the attachments to you separately (to ensure their receipt) and I will also mail them to you at 180 Sand Hill Circle, Menlo Park, California 94025. Please note that we are willing to compensate you for your time to review these documents and for the FedEx return charge. Thank you.

Stephen Donovan Senior Patent Attorney Allergan, Inc. T2 7H 2525 Dupont Drive Irvine, California U.S.A. 92624

Telephone: 714 246 4026

Fax: 714 246 4249

This e mail is a confidential communication. If you have received it in error please delete it.



ALLERGAN

2525 Dupont Drive, P.O. Box 19534, Irvine, California, USA 92623-9534 Telephone: (714) 246-4500 Website: www.allergan.com



Stephen Donovan
Senior Patent Attorney
Telephone: 714 246 4026
Facsimile: 714 246 4249
E-mail: donovan_stephen@allergan.com

March 25, 2004

Federal Express

Dr. Vernon Wong 180 Sand Hill Circle Menlo Park, California 94025

Re:

Patent Reissue of US 6,369,116 B1

Issued: April 9, 2002

Inventors: Vernon Wong and Lin Peng

Title: Composition and method for treating glaucoma

Our Ref.: 17652CON1CIP1

Dear Dr. Wong:

Further to our recent telephone and e-mail communications, I am a patent attorney with Allergan, Inc. located in Irvine, California. As you know, Allergan bought Oculex Pharmaceuticals late last year. We would like to seek a reissue of your U.S. patent 6,369,116 B1 (copy attached) so as to broaden the claims in the patent. To do so, we must file a reissue request with the U.S. patent office by no later than April 9, 2004.

Would you be so kind as to assist us in this matter? Attached (besides the copy of your patent) are three documents: (1) a Declaration for Reissue; (2) an Offer to Surrender the patent; and (3) Preliminary Amendment. The Declaration makes a number of formal statements, as required by patent office rules, when seeking a patent reissue.

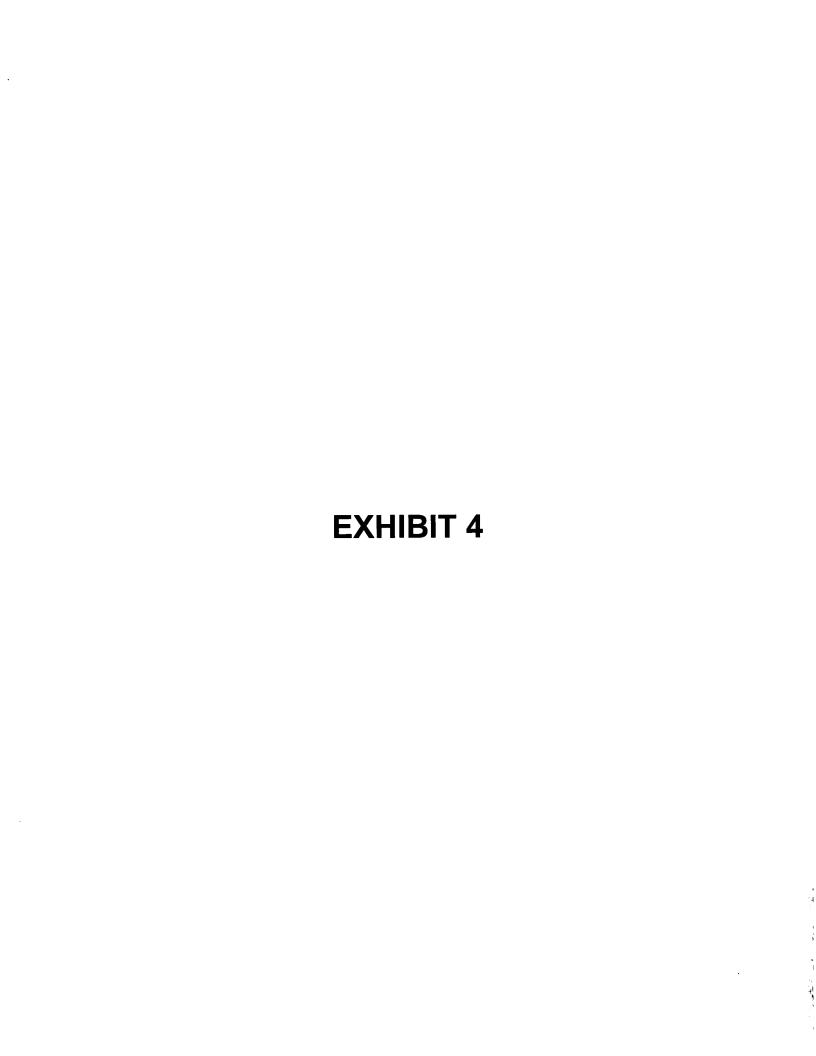
Please sign (at the indicated locations) and return to me by Federal Express at the address below the Declaration and the Offer to Surrender, and call me if you have any questions. A self-addressed, postage paid Federal Express air bill and envelope are enclosed for your use. Thank you.

Please note that we are willing to compensate you for your time to review these documents. Thank you.

Yours sincerely,

Stephen Donovan

. Deplan Dorlorlangs



Frank J Uxa

From: Donovan_Stephen [Donovan_Stephen@Allergan.com]

Sent: Thursday, March 25, 2004 4:14 PM

To: Greg Hollrigel
Cc: Frank Uxa

Subject: Re: patent reissue documents; our docket 17652CON1CIP1(Oculex)

Importance: High

Greg: I have asked my secretary to FedEx the ribbon copy of the patent to you. As you can see from the e mail below, Dr. Wong may not sign any reissue documents. I am also unsure about whether the other co-inventor Peng will sign anything.

----Original Message-----From: Donovan_Stephen

Sent: Thursday, March 25, 2004 4:06 PM

To: 'VERNON8888@aol.com'

Subject: Re: patent reissue documents

Importance: High

Dr. Wong: the patent was owned by Oculex, and then obtained by Allergan when Allergan bought Oculex last year. So you are correct that you do not own the patent, but you are and will always be a co-inventor of the patent.

Even though Allergan owns the patent in question your permission to seek a reissue of the patent is required. As you may recall, your June 30, 1989 "Proprietary information and inventions Agreement " with Oculex states in section 4. that you will "assist the company (now Allergan since Allergan now stands in the shoes of Oculex) in every proper way to obtain and from time to time enforce" patents and that you will "execute such documents as the company may reasonably request" related thereto.

So we would very much appreciate your assistance in this matter — by signing and returning to me the Declaration and the Offer to Surrender the patent. Thank you and please contact me if you have any questions.

----Original Message----

From: VERNON8888@aol.com [mailto:VERNON8888@aol.com]

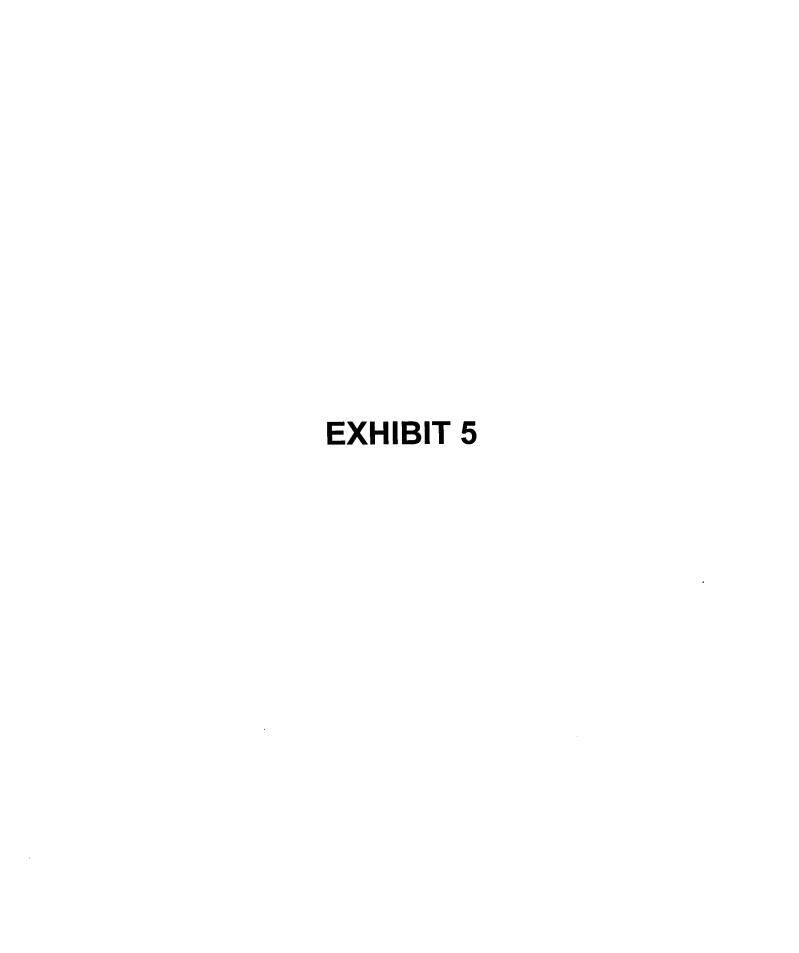
Sent: Thursday, March 25, 2004 3:52 PM

To: Donovan_Stephen

Subject: Re: FW: patent reissue documents

Mr. Donovan,

I have been away and sorry for not responding earlier...I am returning the 4 files sent via email to me unopened back to you and will delete these files unopened from my system. Your office called this morning to verify address to send hard copie of same (I presumed) being sent to me...the latter when received will be returned unopened as well...I believe the patent(s) you are referring to are no longer my property...pls confirm...thanks...vernon wong



Track Shipments Detailed Results



Tracking number Signed for by Ship date

Delivery date/time

836518152101 0223785 Mar 25, 2004 Mar 26, 2004 12:26 pm Reference number Delivered to Delivery location Service type 5592001-2100100040 Recipient MENLO PARK CA Standard Envelope

Date/time

Status

Location

Comments

Mar 26, 2004

12:26 pm Delivered

MENLO PARK CA No signature required - release

waiver on file

Signature proof

Track more shipments

Email your detailed tracking results (optional)

Enter your email, submit up to three email addresses (separated by commas), add your message (optional), and click **Send email**.

Add a message to this email.

From

To

Send email



Greg S. Hollrigel

From:

"Donovan_Stephen" <Donovan_Stephen@Allergan.com>

To:

<vernon8888@aol.com>

Sent:

Tuesday, March 30, 2004 3:34 PM

Attach:

040322 Prelim Amndmnt D3136CON1CIPRE.doc; Offer to Surrender D3136CON1CIPRE.doc;

Dec and Petition for Reissue D3136CON1CIPRE.doc; US6369116(B1).pdf

Subject:

Re: patent reissue documents

Dr. Wong: further to my voice mail message to you today, attached is another copy of the reissue documents. Thank you

Stephen Donovan Senior Patent Attorney Allergan, Inc. T2 7H 2525 Dupont Drive Irvine, California U.S.A. 92624

Telephone: 714 246 4026

Fax: 714 246 4249

This e mail is a confidential communication. If you have received it in error please delete it.

EXHIBIT 7

FRANK J. UXA, JR.* ROBERT D. BUYAN* DONALD E. STOUT KENTON R. MULLINS JO ANNE M. YBABEN LINDA ALLYSON FOX GREG S. HOLLRIGEL, Ph.D. ** LOUISE S. HEIM**

LAW OFFICES OF

STOUT, UXA, BUYAN & MULLINS, LLP

4 VENTURE, SUITE 300 **IRVINE, CALIFORNIA 92618** (949) 450-1750 FACSIMILE: (949) 450-1764

WRITER'S E-MAIL: gsh@patlawyers.com April 2, 2004

PATENTS, TRADEMARKS. COPYRIGHTS, AND RELATED INTELLECTUAL PROPERTY **MATTERS**

GORDON L. PETERSON (Retired)

*PROFESSIONAL CORPORATION **REGISTERED PATENT AGENT

Via Federal Express

Dr. Vernon Wong 180 Sand Hill Circle Menlo Park, CA 94025

RE:

U.S. Reissue Patent Application of U.S. 6,369,116

Issue Date:

April 9, 2002

Entitled

COMPOSITION AND METHOD FOR TREATING GLAUCOMA

Our Reference: D3136 CON1 CIP1RE

Dear Dr. Wong:

We are writing to follow up to Mr. Stephen Donovan's letter dated March 25, 2004 and the several email communications from Stephen Donovan to you regarding requests for your cooperation in assisting Allergan, Inc. with the filing of a reissue application of U.S. Patent No. 6,369,116, previously owned by Oculex Pharmaceuticals and now owned by Allergan.

Enclosed please find the following documents:

- 1. a copy of U.S. Patent No. 6,369,116;
- 2. a Declaration and Petition for Reissue Application;
- 3. an Offer to Surrender; and
- 4. a Preliminary Amendment presenting additional claims.

Also enclosed please find a self-addressed, postage paid Federal Express air bill and envelope for your convenience.

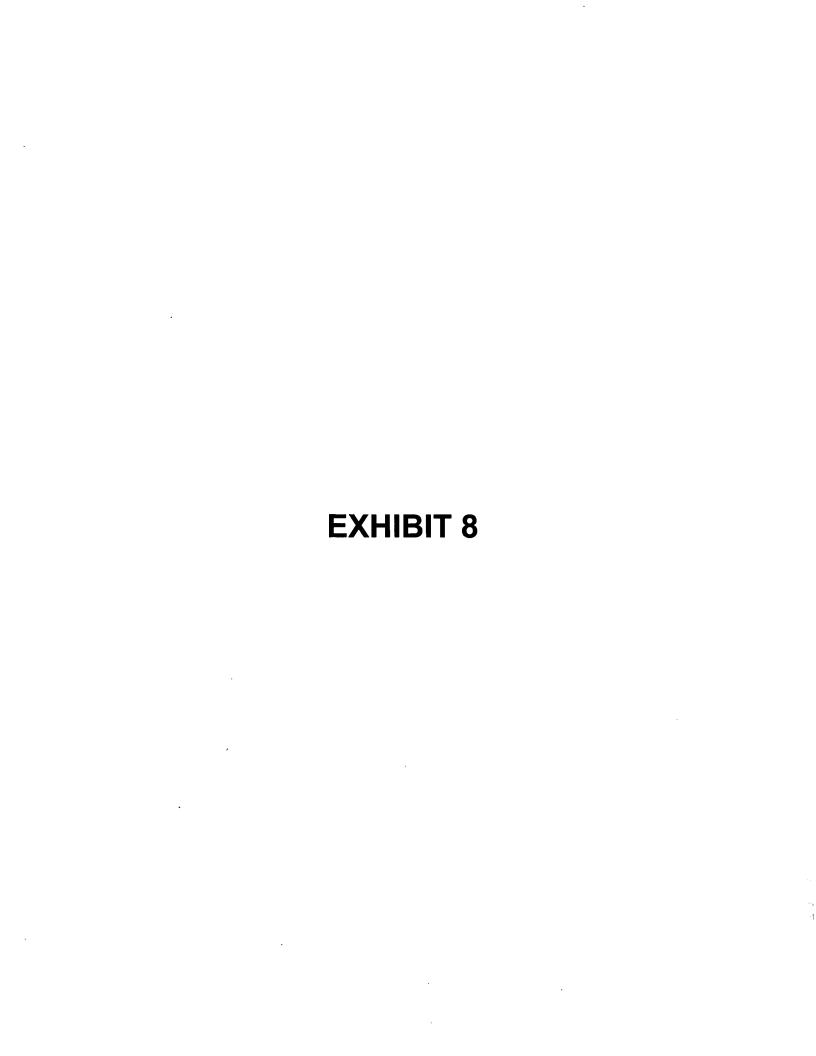
Please review the enclosed documents, and please sign and date where indicated. Please return the executed documents to our office by April 7, 2004 in the enclosed Federal Express package discussed above.

Thank you for your assistance and cooperation. We look forward to your prompt reply, and if you have any other questions or comments, please do not hesitate to call.

Sincerely,

Greg S. Hollrigel

Enclosure(s): As indicated





FedEx Express **Customer Support Trace** 3875 Airways Boulevard Module H, 4th Floor Memphis, TN 38116

U.S. Mail: PO Box 727 Memphis, TN 38194-4643

Telephone: 901-369-3600

4/5/2004

Dear Customer:

Here is the proof of delivery for the shipment with tracking number 823079673329. The shipment was released without signature as authorized by the shipper/recipient.

Delivery Information:

Signed For By: 3785346

Delivery Location: 180 SANDHILL CIR

Delivery Date: April 5, 2004

Delivery Time: 1006

Shipping Information:

Tracking No: 823079673329

Recipient: DR V WONG

180 SAND HILL CIRCLE

MENLO PARK, CA 94025

US

Shipper:

G HOLL RIGEL

UXA, FRANK J, ATTY AT LAW

4 VENTURE STE 300

Ship Date: April 2, 2004

IRVINE, CA 926187384

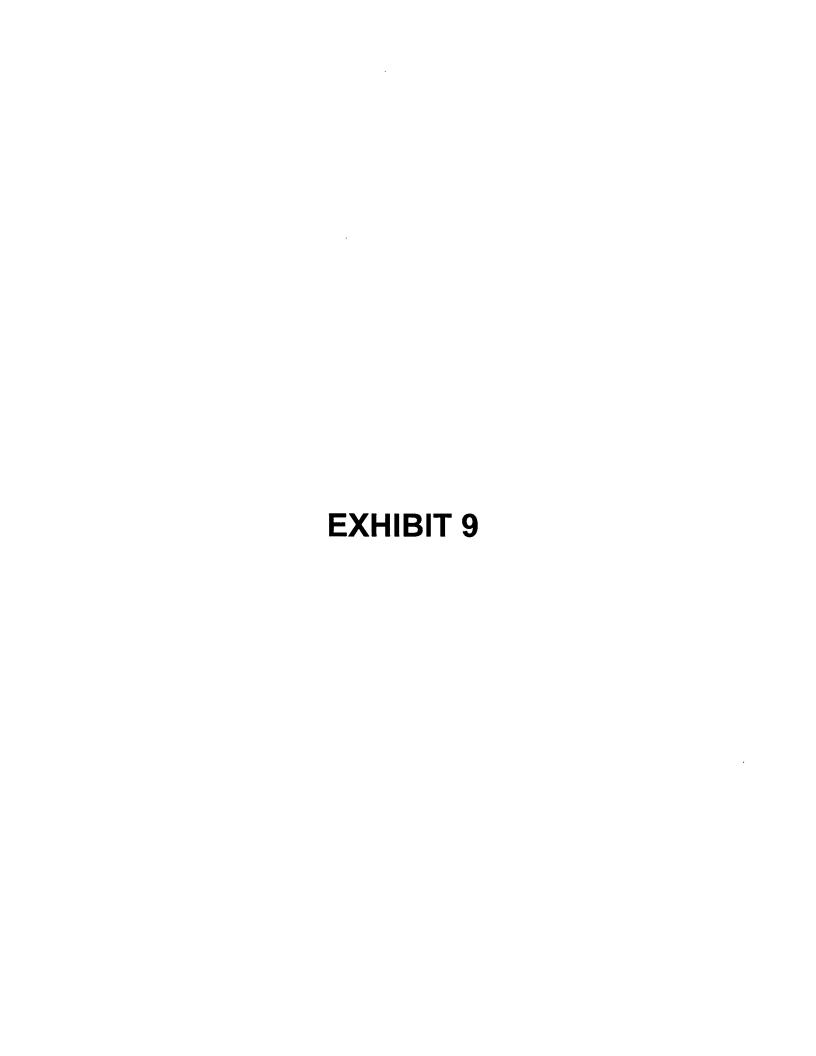
US

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Track more shipments

Track Shipments **Summary Results**



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No scan record for the following shipments has been received by our system yet. Please try again later or contact <u>Customer Service</u>.

Tracking number

823079673318

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